E-000000-11-0328



# **ARIZONA CORPORATION COMMIS**



Arizona Corporation Commission

DOCKETE

UTILITY COMPLAINT FORM

**Investigator:** Carmen Madrid

Phone:

Fax:

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COCIVED

Priority: Respond Within Five Days

**Opinion** 

No. 2012

104265

DO Date: 06/6/2012

**Complaint Description:** 

01H Billing - Smart Meter

N/A Not Applicable

First:

Last:

Complaint By:

Elizabeth

Kelley

**Account Name:** 

Electromagnetic Safety Alliance, Inc.

Home: (000) 000-0000

Street:

n/a

Work: (000) 000-0000

City:

Tucson

CBR:

State:

ΑZ

Zip: 00000

is: E-Mail

**Utility Company.** 

Miscellaneous Electric

Division:

Electric

**Contact Name:** 

Unknown

Contact Phone: (000) 000-0000

**Nature of Complaint:** 

From: Elizabeth Kellev [mailto:

Sent: Monday, June 04, 2012 4:52 PM

To: Pierce-Web; Burns-Web; Newman-Web; Stump-Web; Kennedy-Web

Subject: Request that this message and attachments be filed under DOCKET NO. E-00000C-11-0328 AZ

CORPORATION COMMISSION

Dear Arizona Corporation Commissioners.

Please file the message below and the attached document and link in the message under DOCKET NO. E-00000C-11-0328.

FYI- the May 2012 Bloomberg article on smart meters now published in Business Week, June 5, 2012 issue.

As of today, June 7, 2012, 57 California cities and counties have enacted ordinances or passed resolutions opposing smart meters. California citizens and local governments have legal challenges underway. In May, 2012, the Vermont State Legislature passed S. 214, signed by the Governor the following week that which places a one year moratorium on smart meter installations, offers a "no charge" opt out to utility customers who request that they not have a smart meter on their property; and, calls for a health study and a cost/benefits analysis on the smart grid program and smart meter safety in 2013. (Vermont bill number S. 214 is attached.

Meanwhile, smart meters continue to be newly installed on residences and small commercial businesses across the U.S. While some utilities have reluctantly issued opt out policies, and charging customers more in the process, other utilities in states like Arizona are holding off from determining whether an opt out policy is needed or not. The delay only gives the utilities more time to install smart meters which will be harder to remove once they are installed.

## ARIZONA CORPORATION COMMISSION

### UTILITY COMPLAINT FORM

http://www.businessweek.com/news/2012-05-08/smart-meter-defiance-slows-adoption-of-29-billion-grid

We urge the Arizona Corporation Commission to hold public hearings to consider an opt out policy so that Arizonans can ensure the health and privacy protections they are entitled to from these smart meters.

We urge the Arizona State Legislature to consider enacting legislation similar to S. 214 adopted by the State of Vermont.

We first brought this matter to your attention over 16 months ago. You acted by holding two open meetings where citizens and the utility companies we testified about our concerns in last September 2011 and again in March 23, 2012. However, to daye, nothing has happened with your plans to develop policies on opt out and privacy. We strongly urge that something be done immediately to respond to many concerns about smart metering, especially the health and privacy concerns. For our publically elected officials to do nothing in the face of a significant level of public concern being raised over poorly crafted public polices is neglectful and is placing our personal health and constitutional rights at risk.

Sincerely,

Elizabeth Kelley Co-Coordinator, Electromagnetic Safety Alliance, Inc. www.electromagneticsafety.org Tucson, Arizona

\*End of Complaint\*

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**Utilities' Response:** 

### Investigator's Comments and Disposition:

6/6/12 Opinion noted and filed in Docket No. E-00000C-11-0328. closed \*End of Comments\*

Date Completed: 6/6/2012

Opinion No. 2012 - 104265

1	S.214
2	Introduced by Senator Hartwell
3	Referred to Committee on Finance
4	Date: January 3, 2012
5	Subject: Utilities; smart meters; customer rights
6	Statement of purpose: This bill proposes to require the public service board to
7	establish terms and conditions governing the installation of wireless smart
8	meters. The terms and conditions shall require an electric company to obtain a
9	customer's written consent before installing a wireless smart meter on his or
10	her property. The terms and conditions also shall require an electric company
11	to remove, at no cost to the customer, an already installed wireless smart
12	meter, if so requested by a customer.
13	An act relating to customer rights regarding smart meters
14	It is hereby enacted by the General Assembly of the State of Vermont:
15	Sec. 1. 30 V.S.A. § 2811 is added to read:
16	§ 2811. SMART METERS, CUSTOMER RIGHTS
17	(a) As used in this section, the following terms small have the following
18	-meanings:

1	(1) "Wired smart meter" means an advanced metering infrastructure
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2	analog device using a fixed wire for two-way communication between the
3	device and an electric company.
4	(2) Wireless smart meter" means an advanced metering infrastructure
5	device using radio or other wireless means for two-way communication
6	between the device and an electric company.
7	(b) An electric company may install a wireless smart meter only in a
8	manner consistent with terms and conditions approved by the board. Upon
9	petition by an electric company, the board shall open a proceeding to establish
10	the terms and conditions under which the company may install wireless smart
11	meters. The terms and conditions shall include provisions requiring an electric
12	company to obtain a customer's written consent prior to the installation of a
13	wireless smart meter on his or her property. The provisions also shall specify
14	that a customer has the option of having a wired smart meter installed as an
15	alternative to the wireless smart meter, at no additional cost.
16	Sec. 2. INSTALLED SMART METERS
17	If an electric company has installed a wireless smart meter, as defined in
18	30 V.S.A. § 2811(a)(2), prior to the effective date of this act, the public service
19	board shall open a proceeding to establish terms and conditions governing any
20	further installation of wireless smart meters by that company consistent with
21	the requirements of 30 V.S.A. § 2811(b). The board also shall establish, in the

- same proceeding, procedures by which a customer who has an installed
- wireless smart meter may, at no cost to that customer, have the wireless smart
- meter removed and replaced with a meter that does not use wireless
- 4 technology.
- 5 Sec. 3. EFFECTIVE DATE
- 6 This act shall take effect on passage.
  - Sec. 1. 30 V.S.A. § 2811 is added to read:

#### § 2811. SMART METERS: CUSTOMER RIGHTS; REPORTS

- (a) Definitions. As used in this section, the following terms shall have the following meanings:
- (1) "Smart meter" means a wired smart meter or a wireless smart meter.
- (2) "Wired smart meter" means an advanced metering infrastructure device using a fixed wire for two-way communication between the device and an electric company.
- (3) "Wireless smart meter" means an advanced metering infrastructure device using radio or other wireless means for two-way communication between the device and an electric company.
- (b) Customer rights. Notwithstanding any law, order, or agreement to the contrary, an electric company may install a wireless smart meter on a customer's premises, provided the company:
- (1) provides prior written notice to the customer indicating that the meter will use radio or other wireless means for two-way communication between the meter and the company and informing the customer of his or her rights under subdivisions (2) and (3) of this subsection;
- (2) allows a customer to choose not to have a wireless smart meter installed, at no additional monthly or other charge, unless such charge is approved by the public service board pursuant to subsection (c) of this section; and
- (3) allows a customer to require removal of a previously installed wireless smart meter for any reason and at an agreed-upon time, without incurring any charge for such removal.

- (c) Fees. Upon Beginning April 15, 2013, upon full deployment of its advanced metering infrastructure, an electric company may charge an opt-out fee to customers who choose not to have a wireless smart meter installed, or who have a wireless smart meter removed, provided the fee is cost based and approved by the board.
- (d) Reports. On or before March 1, 2013, the commissioner of public service shall publish a report itemizing the opt-out fees authorized for each electric company under subsection (c) of this section. On January 1, 2014 and again on January 1, 2016, the commissioner of public service shall publish a report on the energy savings realized through the use of smart meters, as well as on the occurrence of any breaches to a company's cyber security infrastructure. The reports shall be based on electric company data requested by and provided to the commissioner of public service and shall be in a form and in a manner the commissioner deems necessary to accomplish the purposes of this subsection. The reports shall be submitted to the senate committees on finance and on natural resources and energy and the house committees on commerce and economic development and on natural resources and energy.
- (e) Health report. On or before January 15, 2013, the commissioner of health shall submit a report to the senate committee on finance and the house committee on commerce and economic development which shall include: an update of the department of health's 2012 report entitled "Radio Frequency Radiation and Health: Smart Meters"; a summary of the department's activities monitoring the deployment of wireless smart meters in Vermont, including a representative sample of postdeployment radio frequency level testing; and recommendations relating to evidence-based surveillance on the potential health effects of wireless smart meters.

#### Sec. 2. INSTALLED WIRELESS SMART METERS

If an electric company has installed a wireless smart meter, as defined in 30 V.S.A. § 2811(a)(3), prior to the effective date of this act, the company shall provide notice of the installation to the applicable customers, and such notice shall include a statement of customer rights as described under 30 V.S.A. § 2811(b).

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.